

REMARKS

By the present amendment, Applicant has amended Claims 1, 6, 7, 11 and 12, and cancelled Claim 10. Claims 1-9, 11 and 12 remain pending in the present application. Claim 1 is the sole independent claim.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held January 21, 2005. The present response summarizes the substance of the interview. At the interview a proposed amendment to the claims was presented. Proposed amended independent Claim 1 set forth a medicine carrying case including a cooling mechanism, and a fastening mechanism. The case is defined as having a flexible, insulated housing, the housing defining an interior and an exterior surface. The interior surface has a first portion and a second portion, and the housing is foldable along a central axis between an open position and a closed position. The first portion of the interior surface has an interior pouch for receiving the cooling mechanism. Located, on the interior surface of the housing, is a plurality of interior compartments. The plurality of interior compartments includes a first set of compartments disposed on the exterior surface of the interior pouch and a second set of compartments disposed on the second portion of the interior surface. At least one of the compartments is also on an exterior surface of the interior pouch and is adapted to receive a container of medicine. The fastening mechanism releasably secures the housing in the closed position.

Applicant's representative pointed out that the proposed amendment incorporated the recited compartment structure originally set forth in dependent Claim 6. Arguments were advanced that

that the combination of Ehmann in view of Lustig et al. does not meet the recited structure of proposed amended Claim 1. More specifically, it was discussed that among the recited claimed features, the applied secondary reference to Lustig failed to provide a teaching of a flexible housing. The Examiner indicated that reconsideration of the combination of references would be undertaken upon the filing of a formal response to the Office Action.

The Examiner noted that the disclosure and claims included the trademark Lifoam Iceberg Freeze Pack®. Claim 10 has been canceled and the use of the trademark in the disclosure is considered to be in proper form.

The Examiner rejected Claims 1 and 5-12 under 35 U.S.C. 103(a) as being unpatentable over Ehmann in view of Lustig. The Examiner rejected Claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Ehmann in view of Lustig, and further in view of Macedo. These rejections are respectfully traversed.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The applied prior art reference to Ehmann discloses a traveling case for diabetics to transport insulin at a relatively cool temperature. The case disclosed in Ehmann includes a thermally insulated bag having a front cover, a back cover, a center binder, a pouch, a plurality of straps, cooling mechanism, and a zipper closure. Ehmann does not disclose the cooling mechanism being located in the pouch, and that the insulated material is flexible.

The secondary reference to Lustig discloses a travel bag with an internal temperature display. The Examiner alleges that Lustig includes a flexible housing. Upon perusal of the Lustig patent, there is no explicit or implicit disclosure that one having ordinary skill in the art would have been motivated to combine with the disclosure of Ehmann in order to arrive at Applicant's uniquely claimed embodiment. As such, since there is no guidance or motivation found in either of the applied prior art references to Ehmann or Lustig, aside from Applicant's own disclosure, the alleged combination is without merit and should be withdrawn.

In addition, the applied prior art reference to Macedo, with respect to dependent Claims 2-4, likewise fails to disclose a flexible, insulated housing. Thus the alleged combination relied upon by the Examiner is not adequate to satisfy the limitations as recited in the presently claimed embodiment.

Applicant respectfully requests the withdrawal of the combinations of reference because one having ordinary skill in the art would not have found the features recited in the instantly claimed embodiments obvious as alleged by the Examiner.

Applicant has amended the claims to more specifically recite the unique structural features of the present invention, and has presented arguments as to the manner in which the cited and applied prior art references fail to satisfy the specific limitations of the claims, as amended. Applicant respectfully submits that for at least these reasons, Claims 1-9, 11, and 12 are allowable over the prior art applied of record.

Application Serial No.: 10/705,951
Art Unit: 3744

Attorney Docket No. 21159.00
Confirmation No. 6708

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



Richard C. Litman
Registration No. 30,868
(703) 486-1000

RCL:DHT:wse